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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,783	10/31/2003	David S. Benco	LUTZ 2 00250	1742
48116	7590	03/04/2008		
FAY SHARPE/LUCENT 1100 SUPERIOR AVE SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER DEAN, RAYMOND S	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 03/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/698,783

**Applicant(s)**

BENCO, DAVID S.

**Examiner**

RAYMOND S. DEAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 5, 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 10, 18 have been considered but are moot in view of the new ground(s) of rejection.

Shinohara teaches a system to provide transmission of video data from a first mobile station to a second mobile station in a network, the system comprising: a call recognition module operative to recognize a call from the first mobile station to the second mobile station as including the video data and, if the video data is present, validating the second mobile station as capable of receiving the video data (Figures 3, 5, Sections 0034, 0036 – 0037, 0044 – 0047, information regarding the formats of the media types such as video data format V1 enables the determination of whether or not a call includes video data) and determining a delivery preference for the second mobile station (Section 0049, the delivery preference is to have multimedia message that is

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held in the MMS servers immediately forwarded), a storage module operative to have stored therein the video data (Section 0036); an announcement module operative to selectively prompt, based on the delivery preference, the second mobile station if the second mobile station is validated (Sections 0045 – 0047, the prompt is the incoming call notification), receive a response to the prompt from the second mobile station and selectively forward the response (Sections 0048, 0049, the response is the reception request); and, a control module operative to store the video data in the storage module upon recognition (Section 0047, upon recognizing a received multimedia message comprising video data), receive the response from the announcement module and, based on at least one of the delivery preference and the response, perform at least one of maintaining the video data in the storage module, deleting the video data from the storage module, and forwarding the video data to the second mobile station (Sections 0048 – 0049, the video data is forwarded to the mobile telephones).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 2, 4 – 5, 7, 10 – 15, 18 – 20, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinohara (US 2002/0132608)

Regarding Claim 1, Shinohara teaches a system to provide transmission of video data from a first mobile station to a second mobile station in a network, the system comprising: a call recognition module operative to recognize a call from the first mobile station to the second mobile station as including the video data (Figures 3, 5, Sections 0034, 0036 – 0037, 0044 – 0047, information regarding the formats of the media types such as video data format V1 enables the determination of whether or not a call includes video data) and, if the video data is present, validating the second mobile station as capable of receiving the video data (Sections 0044 – 0046) and determining a delivery preference for the second mobile station (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded), a storage module operative to have stored therein the video data (Section 0036); an announcement module operative to selectively prompt, based on the delivery preference, the second mobile station if the second mobile station is validated (Sections 0045 – 0047, the prompt is the incoming call notification), receive a response to the prompt from the second mobile station and selectively forward the response (Sections 0048, 0049, the response is the reception request); and, a control module operative to store the video data in the storage module upon recognition (Section 0047, upon recognizing a received multimedia message comprising video data said video data is stored in the appropriate server), receive the response from the announcement module and, based on at least one of the delivery preference and the response, perform at least one of maintaining the video data in the storage module, deleting the video data from

the storage module, and forwarding the video data to the second mobile station (Sections 0048 – 0049, the video data is forwarded to the mobile telephones).

Regarding Claim 10, Shinohara teaches a method for transmitting video data from a first mobile station to a second mobile station in a network, the method comprising: recognizing a call from the first mobile station to the second mobile station as including the video data (Figures 3, 5, Sections 0034, 0036 – 0037, 0044 – 0047, information regarding the formats of the media types such as video data format V1 enables the determination of whether or not a call includes video data); if the video data is present, validating the second mobile station as capable of receiving the video data (Sections 0044 – 0046) and determining a delivery preference for the second mobile station (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded); storing the video data in a storage module (Section 0036); selectively prompting, based on the delivery preference, the second mobile station if the second mobile station is validated (Sections 0045 – 0047, the prompt is the incoming call notification); receiving a response to the prompt from the second mobile station (Sections 0048, 0049, the response is the reception request); and, based on at least one of the delivery preference and the response, performing at least one of maintaining the video data in the storage module, deleting the video data from the storage module, and forwarding the video data to the second mobile station (Sections 0048 – 0049, the video data is forwarded to the mobile telephones).

Regarding Claim 18, Shinohara teaches a system for transmitting video data from a first mobile station to a second mobile station in a network, the system comprising: means for recognizing a call from the first mobile station to the second mobile station as including the video data (Figures 3, 5, Sections 0034, 0036 – 0037, 0044 – 0047, information regarding the formats of the media types such as video data format V1 enables the determination of whether or not a call includes video data); means for validating the second mobile station as capable of receiving the video data (Sections 0044 – 0046) and determining a delivery preference for the second mobile station (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded), means for storing the video data in a storage module (Section 0036); means for selectively prompting the second mobile station if the second mobile station is validated (Sections 0045 – 0047, the prompt is the incoming call notification); means for receiving a response to the prompt from the second mobile station (Sections 0048, 0049, the response is the reception request), and, means for performing, based on at least one of the delivery preference and the response, at least one of maintaining the video data in the storage module, deleting the video data from the storage module, and forwarding the video data to the second mobile station (Sections 0048 – 0049, the video data is forwarded to the mobile telephones).

Regarding Claims 2, 11, Shinohara teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the call recognition module

validates the second mobile station by performing a look-up operation on a mobile subscriber database (Sections 0037, 0045).

Regarding Claims 4, 12, Shinohara teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the prompt comprises a ringing tone (Sections 0047 – 0048, typical mobile phones are notified of an incoming call via a ringing tone).

Regarding Claims 5, 13, Shinohara teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the prompt comprises an announcement (Section 0047, the notification is the announcement).

Regarding Claims 14, 19, 23 Shinohara teaches all of the claimed limitations recited in Claims 1, 10, 18. Shinohara further teaches wherein the response comprises at least one of a rejection of the video data, a request for immediate delivery of the video data, and a request for delayed delivery of the video data (Sections 0048 – 0049).

Regarding Claims 7, 15, 20, Shinohara teaches all of the claimed limitations recited in Claims 1, 10, 18. Shinohara further teaches a call origination module operative to originate, based on the delivery preference, a subsequent call to the second mobile station to selectively prompt, based on the delivery preference, the second mobile station if the second mobile station is validated (Sections 0044 - 0045, 0047), receive the response to the prompt from the second mobile station and selectively forward the response to the control module (Sections 0048 – 0049).



***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Tervo et al. (US 2004/0207719).

Regarding Claim 3, Shinohara teaches all of the claimed limitations recited in Claim 1. Shinohara does not teach wherein the storage module is a first-in, first-out (FIFO) buffer.

Tervo teaches a storage module that is a first-in, first-out buffer (Section 0036 lines 6 – 12).

Shinohara and Tervo both teach an MMS system in which video data is stored for subsequent forwarding to a mobile terminal thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the first-in, first-out buffer of Tervo as an alternative means for achieving the same predictable result of storing video data for subsequent forwarding to a mobile terminal.

7. Claims 8, 16, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Cox et al. (US 2001/0044325).

Regarding Claims 8, 16, 21, Shinohara teaches all of the claimed limitations recited in Claims 1, 10, 18. Shinohara does not teach wherein the announcement module provides a signal to the first mobile station that delivery will be blocked if the call recognition module does not validate the second mobile station.

Cox teaches providing a signal to a mobile station that delivery will be blocked if the called device is not validated (Section 0048).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify the system of Shinohara with the call blocking circuitry and method of Cox for the purpose of enabling an effective management of the wireless telephones by an organization that issues said wireless telephones to selected employees as taught by Cox thus adding versatility to the system of Shinohara via enabling the system of Shinohara to be used in a corporate environment.

8. Claims 9, 17, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Turunen (US 7,289,792)

Regarding Claims 9, 17, 22, Shinohara teaches all of the claimed limitations recited in Claims 1, 10, 18. Shinohara teaches wherein the control module forwards the video data from the storage module if the call recognition module does not validate the second mobile station (Sections 0046, 0048, the video data can still be forwarded to a terminal that has not been validated as being able to receive video data).

Shinohara does not teach wherein the control module deletes the video data from the storage module if the call recognition module does not validate the second mobile station.

Turunen teaches a multimedia system in which video data is deleted from storage (Cols. 1 lines 21 – 31, 9 lines 29 – 58, the store and forward feature comprises storing the message temporarily and then forwarding said message, which further comprises deleting said message from storage).

Shinohara and Turunen both teach a wireless multimedia system in which video data is stored and forwarded to mobile devices thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the store and forward method of Turunen as an alternative means for achieving the same predictable result of storing and forwarding video data to mobile devices.

9. Claims 24 – 26 are rejected under 35 U.S.C. 103(a) as being anticipated by Shinohara (US 2002/0132608) in view of Kring et al. (US 2003/0105825).

Regarding Claims 24, 25, 26, Shinohara teaches all of the claimed limitations recited in Claims 1, 10, 18. Shinohara further teaches wherein the delivery preferences include immediate delivery of video data and conditional delivery of data (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded, the video data will be delivered if the user sends a reception request, which is the condition, thus there will be conditional delivery of data).

Shinohara does not teach delivery preferences including a rejection of video data and delayed delivery of the video data.

Kring teaches delivery preferences including a rejection of video data and delayed delivery of the video data (Sections 0010 lines 1 – 4, 0034, 0058 lines 1 – 8, 0093 – 0098, discarding a message corresponds to rejection of a message).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shinohara with the policy based management feature of Kring for the purpose of improving data management in the mobile network as taught by Kring.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/  
Primary Examiner, Art Unit 2618

Raymond S. Dean  
February 19, 2008